



General Assembly

January Session, 2005

Raised Bill No. 1194

LCO No. 3836

03836_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING ARBITRATION IN CERTAIN FAMILY
RELATIONS MATTERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-66 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) In any case under this chapter where the parties have submitted
4 to the court an agreement concerning the custody, care, education,
5 visitation, maintenance or support of any of their children or
6 concerning alimony or the disposition of property, the court shall
7 inquire into the financial resources and actual needs of the spouses and
8 their respective fitness to have physical custody of or rights of
9 visitation with any minor child, in order to determine whether the
10 agreement of the spouses is fair and equitable under all the
11 circumstances. If the court finds the agreement fair and equitable, it
12 shall become part of the court file, and if the agreement is in writing, it
13 shall be incorporated by reference into the order or decree of the court.
14 If the court finds the agreement is not fair and equitable, it shall make
15 such orders as to finances and custody as the circumstances require. If
16 the agreement is in writing and provides for the care, education,

17 maintenance or support of a child beyond the age of eighteen, it may
18 also be incorporated or otherwise made a part of any such order and
19 shall be enforceable to the same extent as any other provision of such
20 order or decree, notwithstanding the provisions of section 1-1d.

21 (b) Agreements providing for the care, education, maintenance or
22 support of a child beyond the age of eighteen entered into on or after
23 July 1, 2001, shall be modifiable to the same extent as any other
24 provision of any order or decree in accordance with section 46b-86.

25 (c) The provisions of chapter 909 shall be applicable to agreements
26 to arbitrate in actions for dissolution of marriage under this chapter,
27 except as to issues related to the custody or support of any child of the
28 marriage. Arbitration awards in such actions shall be confirmed,
29 modified or vacated in accordance with the provisions of said chapter.

30 Sec. 2. Section 52-408 of the general statutes is repealed and the
31 following is substituted in lieu thereof (*Effective October 1, 2005*):

32 An agreement in any written contract, or in a separate writing
33 executed by the parties to any written contract, to settle by arbitration
34 any controversy thereafter arising out of such contract, or out of the
35 failure or refusal to perform the whole or any part thereof, or a written
36 provision in the articles of association or bylaws of an association or
37 corporation of which both parties are members to arbitrate any
38 controversy which may arise between them in the future, or an
39 agreement in writing between two or more persons to submit to
40 arbitration any controversy existing between them at the time of the
41 agreement to submit, or an agreement in writing between the parties to
42 a marriage to submit to arbitration any controversy between them with
43 respect to the dissolution of their marriage, provided all issues related
44 to the custody or support of any child of the marriage have been
45 resolved by court order, shall be valid, irrevocable and enforceable,
46 except when there exists sufficient cause at law or in equity for the
47 avoidance of written contracts generally.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2005</i>	46b-66
Sec. 2	<i>October 1, 2005</i>	52-408

Statement of Purpose:

To authorize arbitration in actions for dissolution of marriage that do not involve child custody or child support issues.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]